

REMARKS

The claims are claims 1, 4 to 6 and 10 to 17.

The application has been amended to a correct minor error.

Claims 1 and 4 to 6 are amended. Claims 2, 3, and 7 to 9 are canceled. New claims 10 to 17 are added. Claim 1 is amended to incorporate the attachment file limitations previously recited in canceled claim 3. Claim 1 has been further amended to change "video message" to "combined audio/video message" to clearly distinguish that the "digital data attachment file" differs from the audio and the video part of the "combined audio/video message." Claims 4 to 6 are amended to depend upon claim 1 rather than canceled claim 3 and to adopt terminology adopted in amended claim 1. Claims 10 to 13 correspond to respective claims 1 and 4 to 6 except reciting only the transmission station steps. Claims 14 to 17 correspond to respective claims 1 and 4 to 6 except reciting only the reception station steps.

Claims 1 to 3, 6 and 7 were rejected under 35 U.S.C. 102(b) as anticipated by Budge et al U.S. Patent No. 6,014,689. The OFFICE ACTION states at page 3, lines 9 to 17:

"In regards to claim 3, Budge discloses the method of generating a digital attachment file (see column 4, lines 47-50);

"Wherein the transmitting step includes attaching the attachment file to the video message and transmitting both the video message and the attachment file to the reception station (see column 1, lines 42-44 and lines 57-62)

"Wherein the storing step includes storing both the video message and the attachment file (see column 5, lines 55-57)

"At a time other than the reception of the video message, presenting the attachment in a manner perceivable by the user (see column 4, lines 35-41)."

The OFFICE ACTION states at page 3, line 19 to page 4, line 4:

"In regards to claim 6, Budge discloses the method of:

"In a transmission station:

"The attachment file consisting of audio file in the reception station (see column 4, lines 47-50);

"In the reception station:

"The step of presenting the attachment file by generating an aurally perceivable indication of the audio file (see column 1, lines 48-51, column 5, lines 12-15)."

The Applicant respectfully submits that this rejection is improper.

Claim 1 recites subject matter not anticipated by Budge et al. Claim 1 recites "generating a digital data attachment file; transmitting the recorded combined audio/video message and the digital data attachment file to a predetermined reception station," "storing a received combined audio/video message and digital data attachment file in a nonvolatile memory" and "at a time other than reception of the combined audio/video message, presenting the digital data attachment file in a manner perceivable by a user." As amended, claim 1 clearly recites a combined audio/video message. The recited digital data attachment file differs from this combined audio/video message. This recitation of claim 1 corresponds to Budge et al at column 1, line 39 which states "'Video e-mail' contains audio and video, not just video." Budge et al states at column 4, lines 47 to 50 (cited in OFFICE ACTION):

"The recorder also has an audio encoder 320 which encodes and typically compresses audio message data originating from an audio input device and routed to the audio encoder from the sound card driver."

This recited audio message data corresponds to the audio portion of the combined audio/video message recited in claim 1 and not to the digital data attachment file. Budge et al at column 1, lines 42 to 44 teaches transmission of the message file, which the immediately prior lines (column 1, lines 39 to 41) teach "combines video from a video camera and audio from a microphone." Budge et al at column

1, lines 57 to 62 teaches an audio encoder that generates encoded audio data. However, Budge et al states at column 1, lines 54 to 55 that the video e-mail encoder includes "a video encoder, an audio encoder, and a video/audio multiplexer." This makes clear that the audio encoder of column 1, lines 57 to 62 produces the audio part of the claimed combined audio/video message. Budge et al teaches at column 5, lines 55 to 57 that the virtual VCR can "save both audio and video from the local camera and microphone." This differs from the recitation of storing the digital data attachment file in two aspects. First, column 5, lines 51 and 53 make clear that this description is of "the video e-mail recorder." This corresponds to the recited transmission station and not the recited reception station of claim 1. Second, storage of "both audio and video from the local camera and microphone" corresponds to storage of the combined audio/video message and not the digital data attachment recited in claim 1. Budge et al states at column 4, lines 35 to 41:

"The video e-mail player receives as inputs the video message file from the Email client 270 and user inputs from the keyboard driver 250. The video e-mail player 220 outputs video message data and user prompts to the video graphics-adaptor driver 260 and audio message data to the sound card driver 240."

This output of the video message data and the audio message data of the video e-mail corresponds to the "displaying the stored combined audio/video message to a user" of claim 1 rather than the "presenting the digital data attachment file." Accordingly, claim 1 is allowable over Budge et al.

Claim 6 recites subject matter not anticipated by Budge et al. Claim 6 recites "said digital data attachment file consists of an audio file separate from the audio of the combined audio/video message" and "generating an aurally perceivable indication of the

audio file separate from the audio of the combined audio/video message." These recitations of claim 6 make clear that the attached audio file differs from the audio portion of the combined audio/video message. Those portion of Budge et al cited at page 3, line 19 to page 4, line 4 clearly teach the audio portion of the video e-mail and fail to teach the separately recited audio file of claim 6. Accordingly, claim 6 is not anticipated by Budge et al.

Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as made obvious by Budge et al U.S. Patent No. 6,014,689. The OFFICE ACTION states the Budge does not disclose the step of attaching a word processing document or a spreadsheet document to a video e-mail but takes OFFICIAL NOTICE attaching word processing documents or spreadsheet documents to e-mail was well known as was presenting such an e-mail attachment to the user via a compatible program.

The Applicant respectfully disputes this argument. Budge et al includes no hint that a file might be attached to the video e-mail. The prior art of e-mail attachments fails to make obvious the recitations of claims 4 and 5. One skilled in the art upon consideration of Budge et al in light of the prior art of e-mail attachments is more likely to transfer the video e-mail of Budge et al as an attachment to an ordinary e-mail than to attach a data file to the video e-mail of Budge et al. Accordingly, claims 4 and 5 are allowable over Budge et al.

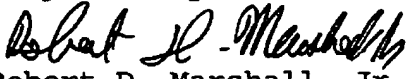
Claims 10 to 13 recite the transmission station part of respective claims 1 and 4 to 6 and are likewise allowable.

Claims 14 to 17 recite the reception station part of respective claims 1 and 4 to 6 and are likewise allowable.

The Applicant respectfully submits that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address to facilitate prosecution.

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